

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DOUGLAS G. PAULY, CODY LEE PAULY, JOSHUA R. PAULY, ADAM N. PAULY, and GAGE D. PAULY, Minors.

FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
April 27, 2004

Petitioner-Appellee,

v

No. 251345
Bay Circuit Court
Family Division
LC No. 02-007549-NA

DOUGLAS PAULY,

Respondent-Appellant,

and

NORA OAKLEY,

Respondent.

Before: Bandstra, P.J., and Sawyer and Fitzgerald, JJ.

PER CURIAM.

Respondent-appellant Douglas Pauly appeals by delayed leave granted from the trial court's order terminating his parental rights to the minor children under MCL 712A.19b(3)(c)(i) and (g). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). At the time of the termination hearing, the children had been in foster care for sixteen months. The children were initially adjudicated temporary court wards in 2002, because of an unsafe and unfit living environment, and because of respondent's failure to properly care for the children. Additionally, the family had a history with protective services, dating back to before 1995, because of neglect, lack of supervision, and abuse. As a result of respondent's admitted neglect and failure to protect or properly supervise the children, they had become unruly, uncivilized, "wild," and academically and behaviorally defeated. Services were

provided to respondent for more than a year, and respondent was given ample opportunity to demonstrate his ability and willingness to care for the children, but the evidence showed that he failed to sufficiently benefit from the services offered.

Although respondent lackadaisically participated in services, he failed to achieve the underlying and fundamental requisite, which was to be in a mental and emotional position to properly parent and supervise the children. Despite several months of intervention, respondent continued to have a nonparental relationship with the children, was unable or unwilling to internalize and employ proper parenting skills, continued to prioritize his own needs above those of the children, and continued to make inappropriate decisions regarding the children's well being. The evidence also showed that, throughout the case, respondent failed to consistently and substantially comply with the parent-agency agreement, which was designed to enable him to address the issues that brought the children into care and to regain custody of his children. Notably, respondent consistently failed to demonstrate proper parenting techniques and skills during visits, and failed to provide an adequate childcare plan for the children. The trial court could properly consider respondent's failure to comply with the parent-agency agreement as an indication that the past neglect would continue. See *In re Hall*, 188 Mich App 217, 223-224; 469 NW2d 56 (1991); *In re Miller*, 182 Mich App 70, 83; 451 NW2d 576 (1990).

Contrary to respondent's position, simply attending various counseling sessions, parenting classes, and family visits was not enough to preclude termination of his parental rights under the circumstances of this case. Rather, the evidence clearly established that respondent was either unwilling or unable to attain the necessary growth to regain custody of the children. Considering respondent's history, conduct, and lack of parenting skills, there is no reasonable likelihood that his circumstances will sufficiently change or improve within a reasonable time and, therefore, no reasonable expectation that he will be able to provide proper care and custody within a reasonable time considering the ages of the children.

The evidence also did not show that termination of respondent's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 354; 612 NW2d 407 (2000). To the contrary, the evidence showed that the children were detrimentally impacted while in respondent's care, that they are safe in foster care, that they have tremendously improved behaviorally and academically since being removed from respondent's care, and that they would be prone to further neglect if they were returned to respondent. The evidence also showed that the children have needs, which require a structured, emotionally stable and supportive environment. Given respondent's demonstrated deficiencies, and failure to sufficiently benefit from the services offered, it is unlikely that he would be able to sufficiently address the children's needs within a reasonable time.

Affirmed.

/s/ Richard A. Bandstra
/s/ David H. Sawyer
/s/ E. Thomas Fitzgerald